IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

DANIEL RAY YATES)
)
V.) NO. 1:06-0029
) JUDGE CAMPBELL
MAURY COUNTY JAIL, et al.)

ORDER

Pending before the Court is a Report and Recommendation of the Magistrate Judge (Docket No. 21), to which no Objections have been filed. The Court has reviewed the Report and Recommendation and the file. The Report and Recommendation is adopted and approved.

Accordingly, Defendants' Motion for Summary Judgment (Docket No. 11) is GRANTED, and this action is DISMISSED. This Order shall constitute the judgment in this case pursuant to Fed. R. Civ. P. 58.

Any appeal of this Order would not be taken in good faith. 28 U.S.C. § 1915(a)(3). Therefore, the Plaintiff is not certified to pursue an appeal in forma pauperis. <u>Id</u>.

IT IS SO ORDERED.

TODD J. CAMPBELL

UNITED STATES DISTRICT JUDGE